AQD EXHIBIT
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Butt, Neal T.

From: City of Albuquerque-Air Quality Division [nbutt@cabq.gov]
Sent: Friday, July 13, 2012 5:05 PM
To: Butt, Neal T.
Subject: Notice of Hearing and Meeting - 20.11.3 NMAC, Transportation Conformity
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Notice of Hearing and Meeting - 20.11.3 NMAC, *Transportation Conformity*

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
NOTICE OF HEARING AND REGULAR MEETING

On September 12, 2012, at 5:30 pm, the Albuquerque-Bernalillo County Air Quality Control Board (Air Board) will hold a public hearing in the Vincent E. Griego Chambers located in the basement level of the Albuquerque-Bernalillo County Government Center, 400 Marquette Avenue NW, Albuquerque, NM.

The hearing will address: Proposal to amend 20.11.3 NMAC, Transportation Conformity, and to incorporate an amended 20.11.3 NMAC into the New Mexico State Implementation Plan (SIP) for air quality. The Air Quality Division (AQD) of the City of Albuquerque Environmental Health Department is proposing these amendments in response to the promulgation by the U.S. Environmental Protection Agency (EPA) of an amended federal transportation conformity rule.

On March 14, 2012, the EPA promulgated changes to the transportation conformity rule. This rule became effective on April 13, 2012 [FR Vol. 77, No. 50, 14979-14988]. In response, and as required by EPA, the AQD is proposing amendments to update the local conformity regulation.

EPA's updated rule:

The EPA has finalized changes to the transportation conformity rule to make the rule apply to any future new or revised national ambient air quality standards (NAAQS). The final rule restructures two sections of the transportation conformity rule so that existing requirements will apply for any new or revised NAAQS. Restructuring these sections will reduce the need to amend the rule in the future merely to reference a specific NAAQS and will provide more certainty to transportation planners without compromising environmental benefits. This final rule ensures that air quality is protected and clarifies requirements for implementers. EPA has worked closely with the U.S. Department of Transportation to develop this final rule.

Background
Transportation conformity is a Clean Air Act requirement that ensures that federally supported highway and transit projects are consistent with SIPs. Conformity helps protect public health through early consideration of the air quality impacts of transportation decisions in places where air quality does not currently meet federal standards or has not met them in the past.

Key Elements of the Final Rule
The final rule primarily restructures two sections of the conformity rule, 20.11.3.109 NMAC [40 CFR 93.109] and 20.11.3.119 NMAC [40 CFR 93.119], so that the existing rule requirements clearly apply to areas designated for future new or revised NAAQS, thus reducing the need to amend the transportation conformity rule merely to reference specific new NAAQS. As a result of these changes, the conformity rule will apply to any new NAAQS that EPA establishes in the future. This rule also allows PM2.5 areas with clean air quality data to take advantage of conformity flexibilities that are currently available only to ozone areas.

Health and Environmental Benefits
The final rule ensures that transportation activities are consistent with air quality goals of the transportation conformity program. The final rule ensures that all nonattainment and maintenance areas use conformity tests that ensure air quality progress continues in areas that need to attain or maintain the NAAQS.

Following the hearing, the Air Board will hold its regular monthly meeting during which the Air Board is expected to consider adopting the proposed amendments to 20.11.3 NMAC, Transportation Conformity, and incorporating the amended regulation into the SIP.

The Air Board is the federally delegated air quality authority for Albuquerque and Bernalillo County. Local delegation authorizes the Air Board to administer and enforce the CAA and

the New Mexico Air Quality Control Act, and to require local air pollution sources to comply with air quality standards and other air quality requirements.

Hearings and meetings of the Air Board are open to the public and all interested persons are encouraged to participate. All persons who wish to testify regarding the subject of the hearing may do so at the hearing and will be given a reasonable opportunity to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits and to examine witnesses in accordance with City of Albuquerque Air Quality Control Board Ordinance, Section 9-5-1-6 ROA 1994, the Bernalillo County Ordinance 94-5, Section 6 and 20.11.82 NMAC, *Rulemaking Procedures - AQCB*.

Anyone intending to present technical testimony is required by 20.11.82.20 NMAC, to submit a written Notice Of Intent (NOI) before 5:00 pm on August 28, 2012 to: Attn: September Hearing Record, Mr. Neal Butt, Albuquerque Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103, or in person in Room 3023, 400 Marquette Avenue NW. The NOI shall identify the person's name, address and affiliation.

Non-technical testimony may be provided at the hearing pursuant to 20.11.82.22 NMAC, but to ensure adequate time for review of submitted testimony, the AQD requests that written comments to be incorporated into the public record be received at the above P.O. Box, or Environmental Health Department office, before 5:00 pm on September 5, 2012. The comments shall include the name and address of the individual or organization submitting the statement. Written comments may also be submitted electronically to nbutt@cabq.gov and shall include the required name and address information.

Interested persons may obtain a copy of the proposed regulation at the Environmental Health Department Office, or by contacting Mr. Neal Butt, Albuquerque Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103, or by phone 768-2660, or by e-mail at nbutt@cabq.gov, or by downloading a copy from the City of Albuquerque Air Quality Division website.

NOTICE FOR PERSON WITH DISABILITIES: If you have a disability and/or require special assistance please call (505) 768-2600 [Voice] and special assistance will be made available to you to review any public meeting documents, including agendas and minutes. TTY users call the New Mexico Relay at 1-800-659-8331 and special assistance will be made available to you to review any public meeting documents, including agendas and minutes